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Report of the Latin American and Caribbean Regional Preparatory Meeting for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, held in San José from 25 to 27 May 2009

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I. Introduction

1. In its resolution 56/119, on the role, function, periodicity and duration of the United Nations congresses on the prevention of crime and the treatment of offenders, the General Assembly decided that each congress should be preceded by regional preparatory meetings; and also decided to call future congresses United Nations congresses on crime prevention and criminal justice.
2. In its resolution 62/173, the General Assembly requested the Secretary-General to facilitate the organization of regional preparatory meetings for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice; and also requested him to make available the necessary resources for the participation of the least developed countries in those meetings and in the Congress, in accordance with past practice.
3. In its resolution 63/193, the General Assembly encouraged Governments to undertake preparations for the Twelfth Congress at an early stage by all appropriate means, including, where appropriate, the establishment of national preparatory committees, with a view to contributing to a focused and productive discussion on the topics to be discussed in the workshops and to participating actively in the organization of and follow-up to the workshops; reiterated its invitation to Member States to be represented at the Twelfth Congress at the highest possible level, for example, by Heads of State or Government or Government ministers and attorneys general, to make statements on the theme and topics of the Congress and to participate in thematic interactive round tables; and urged participants in the regional preparatory meetings to examine the substantive items on the agenda and the topics of the workshops of the Twelfth Congress and to make action-oriented recommendations to serve as a basis for the draft recommendations and conclusions for consideration by the Twelfth Congress.
4. Also in its resolutions 62/173 and 63/193, the General Assembly encouraged the relevant specialized agencies, United Nations programmes and intergovernmental and non-governmental organizations, as well as other professional organizations, to cooperate with the United Nations Office on Drugs and Crime (UNODC) in the preparations for the Twelfth Congress.

II. Conclusions and recommendations

A. Declaration

5. At its 6th meeting, on 27 May 2009, the Meeting considered and adopted the following declaration prepared by the heads of delegations present at the Meeting:

The Latin American and Caribbean Regional Preparatory Meeting for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice,

Bearing in mind that the General Assembly, in its resolution 63/193 of 18 December 2008, decided that the main theme of the Twelfth United Nations Congress on Crime Prevention and Criminal Justice would be “Comprehensive strategies for global challenges: crime prevention and criminal justice systems and their development in a changing world”,

Bearing in mind also that the General Assembly, in its resolution 63/193, approved, together with the main theme, a broad and comprehensive agenda for the Twelfth Congress comprising the following eight substantive items:

1. Children, youth and crime;
2. Provision of technical assistance to facilitate the ratification and implementation of the international instruments related to the prevention and suppression of terrorism;
3. Making the United Nations guidelines on crime prevention work;
4. Criminal justice responses to the smuggling of migrants and trafficking in persons, and links to transnational organized crime;
5. International cooperation to address money-laundering based on relevant United Nations and other instruments;
6. Recent developments in the use of science and technology by offenders and by competent authorities in fighting crime, including the case of cybercrime;
7. Practical approaches to strengthening international cooperation in fighting crime-related problems;
8. Crime prevention and criminal justice responses to violence against migrants, migrant workers and their families,

Bearing in mind further that the General Assembly, in its resolution 63/193, decided that the following issues should be considered in workshops within the framework of the Twelfth Congress:

- (a) International criminal justice education for the rule of law;
- (b) Survey of United Nations and other best practices in the treatment of prisoners in the criminal justice system;
- (c) Practical approaches to preventing urban crime;
- (d) International coordinated response to links between drug trafficking and other forms of organized crime;
- (e) Strategies and best practices against overcrowding in correctional facilities,

Considering that, as provided for by the main theme of the Twelfth Congress, the eight substantive items and the five issues to be considered in workshops should be addressed not in isolation but in a comprehensive and integral manner, to reflect a changing world,

Taking note of the reports prepared by the United Nations concerning the fight against organized crime and the information provided by representatives of States regarding trends towards increasing levels of crime in the region, and also the challenges that institutions face in addressing the problems of correctional systems, such as overcrowding, recidivism and the need for social rehabilitation,

Noting with concern the growing complexity, diversification and evolution of transnational organized crime, which encompasses such offences as drug trafficking, money-laundering, trafficking in persons, smuggling of migrants, extortion, kidnapping, arms trafficking and other forms of crime, and also the links between them,

Considering the need to strengthen the capacity of States in the areas of crime prevention and the treatment of offenders by fostering a culture of prevention, condemnation and legality and by building institutional capacity and intensifying public participation and international cooperation,

Bearing in mind that criminological research confirms that the increasing inequality in income distribution within countries, and especially between countries, is a major significant factor in increased levels of crime against life and property; that the World Bank reports that the gap between the income of high-income countries and that of low- and middle-income countries is continuing to grow (*World Development Report* for 2000, 2001 and 2006); that the Economic Commission for Latin America and the Caribbean reports that inequality in income distribution in countries of that region has also been growing since the 1980s (*Social Panorama of Latin America* for 2002, 2006 and 2008); and that this correlation between income distribution and crime has been corroborated by United Nations studies on crime prevention and criminal justice, which confirm that crime levels in high-income or developed countries are several times lower than those in low- and middle-income or developing countries (international homicide statistics of the United Nations Office on Drugs and Crime for 2008; questionnaire for the Tenth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems, covering the period 2005-2006),

Bearing in mind also that five years ago the Latin American and Caribbean Regional Preparatory Meeting for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice noted that the serious problems faced in the region, such as the inequitable distribution of income and the declining economic infrastructure, were directly linked to the resurgence of criminality worldwide, as the gap between low-income countries and high-income countries was increasing rather than decreasing,¹

Considering that at the Millennium Summit, in September 2000, Heads of State from all over the world established the eight Millennium Development Goals – the first of those being to eradicate extreme poverty and hunger – and undertook to attain those goals by 2015, and that achievement of the eight goals is directly related to the need to reduce the immense and increasing gap in income between and within countries,

Considering also that the United Nations Guidelines for the Prevention of Juvenile Delinquency (the “Riyadh Guidelines”)² establish the need for and importance of progressive delinquency prevention policies guided by fairness and equity and pursued primarily in the overall interest of young people and with the aim of safeguarding their well-being and development,

¹ A/CONF.203/RPM.2/1, para. 8.

² General Assembly resolution 45/112, annex, para. 5.

Recalling that the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century³ establishes the need for comprehensive crime prevention strategies at the international, regional, national and local levels that address the root causes and risk factors related to crime and victimization through social, economic, health, educational and justice policies, and that that call has been reiterated over the years in numerous resolutions and declarations of the United Nations,

1. *Urges* the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, which is to be held in Salvador, Brazil, to promote policies designed to have a positive impact on programmes and plans for preventing and combating crime and also judicial cooperation, the legitimate and rational application of criminal justice systems and equitable access to and administration of justice for all people, while bearing in mind the importance of striving for attainment of the Millennium Development Goals, more equitable distribution of income, acceptable levels of human development for all and the sustainable use of natural resources;

2. *Invites* the Twelfth United Nations Congress on Crime Prevention and Criminal Justice to reiterate the need for measures to strengthen existing mechanisms for combating transnational organized crime through participation in relevant international agreements, in particular the United Nations Convention against Transnational Organized Crime and the Protocols thereto,⁴ and also the need to adopt national legislation, exchange information and experience and strengthen international cooperation as additional measures towards preventing and combating crime;

3. *Urges* the United Nations Office on Drugs and Crime and the Latin American Institute for the Prevention of Crime and the Treatment of Offenders to actively promote regional cooperation, coordination and collaboration in combating crime, particularly transnational crime, which can be countered effectively only through action undertaken by States beyond the national level;

4. *Encourages* development financing institutions to support implementation of the regional programmes of the United Nations Office on Drugs and Crime and of the Latin American Institute for the Prevention of Crime and the Treatment of Offenders;

5. *Requests* the Twelfth United Nations Congress on Crime Prevention and Criminal Justice to encourage international cooperation activities aimed at dismantling the material and financial base of transnational organized crime, such as innovative measures for freezing and confiscating assets and property and mechanisms for cooperation among States and information exchange;

6. *Urges* the Commission on Crime Prevention and Criminal Justice, at its nineteenth session, in 2010, to give special consideration to the present declaration.

³ General Assembly resolution 55/59, annex, art. 25.

⁴ United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

6. The Latin American and Caribbean Regional Preparatory Meeting for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice agreed on the conclusions and recommendations presented below.

B. Substantive items

7. Commenting on the achievements of the United Nations congresses on crime prevention and criminal justice, the Meeting noted that over the past 50 years the congresses had adopted numerous declarations and recommendations. Crime however was increasing and worsening, and the economic and social divide within and between countries was deepening. That situation called for an analysis of its causes. A follow-up mechanism for monitoring the implementation and assessing the practical impact of the recommendations adopted by the congresses was lacking. Likewise, a mechanism for monitoring the implementation of the crime conventions, in particular the Organized Crime Convention and its supplementing Protocols, was needed to ensure that the relevant provisions were actually implemented and to evaluate the impact of such implementation.

8. When considering the organized crime threats confronting the region, the Meeting reiterated the principles adopted during the Summit of the Americas held in Port of Spain from 17 to 19 April 2009, in particular the principle that the fight against organized crime needed to be closely linked to the efforts of the region to promote sustainable development, social inclusion and participation of all citizens in public life, the rule of law, good governance and respect for human rights.

9. The Meeting recommended that States of the region strengthen the sharing of information and best practices on all the substantive items and workshop topics submitted for its consideration.

10. The Meeting noted that, among those items and topics, the needs of children and young people, migration, reform of correctional institutions, responses to organized crime, care for victims and prevention of urban crime were of utmost relevance to the region.

1. Children, youth and crime

11. The Meeting recommended that crime prevention and criminal justice efforts focus strongly on youth. Action plans on crime prevention should aim at preventing child and youth involvement in crime; reducing the use and duration of detention and imprisonment for youth, especially at the pretrial stage; fostering diversion of young offenders from the criminal justice system; and promoting the use of restorative justice processes and alternatives to detention.

12. The Meeting recommended that States develop social policies that promoted housing, education and employment for youth and prevented young people's involvement in crime by tackling the causes of that phenomenon, namely poverty and social exclusion. The importance of education in preventing the involvement of youth in crime was in particular emphasized. The Meeting recommended that awareness of existing United Nations guidelines on child protection be raised and that those guidelines be effectively enforced. It also recommended the adoption of

measures to ensure that children and youth had a right to due process and access to justice, together with measures aimed at their reintegration into society.

13. Noting the impact of crime on child and youth victims of crime, the Meeting recommended the development of policies to ensure protection for victims, to prevent the revictimization of children and to ensure reparation for child victims.

14. Acknowledging that the involvement of youth in criminal activities had reached a crisis level in the region, the Meeting noted with concern the dangerous trend within civil society, relayed by the media, of demanding from policymakers and lawmakers tougher repression of children and youth involved in crime. The Meeting therefore recommended that civil society and the media be informed of the importance and relevance of using alternatives to imprisonment for children and youth. The successful outcomes of restorative justice programmes should be highlighted and more resources should be invested in such programmes that had had a proven impact on reducing recidivism.

15. Commenting on the phenomenon of youth gangs, which constituted a new security threat in the hemisphere, the Meeting took note of the approach adopted by certain States in the region not to qualify those gangs as organized criminal groups and not to address them through the highly repressive approach that was justified when tackling transnational organized crime. In that spirit, the Meeting recommended that a comprehensive approach be adopted with respect to youth gangs, including prevention, social support and protection of human rights.

16. The Meeting also recommended that children and young people be involved in the development of policies and programmes having an impact on them.

2. Provision of technical assistance to facilitate the ratification and implementation of the international instruments related to the prevention and suppression of terrorism

17. The Meeting noted the massive adherence of States in the region to the international instruments against terrorism and the pivotal role of the Latin American and Caribbean region in fighting terrorism.

18. The Meeting recognized that terrorism was accompanied by collateral evils, as terrorist groups financed or supported their activities through drug trafficking, kidnapping, hijacking and other illicit activities.

19. Recognizing the potential for synergy between the regimes applicable to terrorism and to transnational organized crime, the Meeting recommended that full use be made of the Organized Crime Convention as a tool to prevent and combat terrorism and strengthen judicial and other international cooperation.

20. One speaker noted that discrepancies existed among countries in the identification of terrorist groups as such and acknowledged the need to develop common standards to define what constituted terrorism, including “narco-terrorism” and terrorist actions by organized criminal groups.

21. Noting the work carried out by States of the region in cooperation with the Inter-American Committee against Terrorism, the Meeting emphasized the importance of capacity-building and training for police officers, judges and prosecutors fighting terrorism.

3. Making the United Nations guidelines on crime prevention work

22. The Meeting noted the lack of knowledge about and awareness of the United Nations standards and norms on crime prevention and criminal justice, including the Guidelines for the Prevention of Crime (Economic and Social Council resolution 2002/13, annex), and recommended that increased efforts be made to raise awareness of those standards, norms and guidelines among the groups responsible for their application at the national level.

23. The Meeting acknowledged the linkages existing between crime prevention, development, social and economic conditions, education and urban planning. The Meeting recognized that the development of crime prevention policies should be based on a participatory approach that included States, intergovernmental organizations, non-governmental organizations, the media and the private sector. It was emphasized that the participation of civil society in the formulation of crime prevention and criminal justice policies would ensure public support for such policies.

24. Recognizing that allocating appropriate resources within national budgets for crime prevention policies was key to ensuring the sustainability of crime prevention policies and strategies, the Meeting recommended that appropriate funding be allocated for the development and implementation of such policies and that technical assistance be provided for that purpose to developing countries.

25. Acknowledging that international cooperation on crime prevention issues was still weak in the region, the Meeting recommended that such cooperation be fostered and that information and best practices be shared.

26. The Meeting noted the importance of developing specific educational programmes and campaigns for the prevention of crime, in particular for children and young people.

27. The Meeting took note of ongoing initiatives in the region concerning the prevention, combating and elimination of kidnapping and of the idea of launching the preparation of a United Nations convention against kidnapping.

4. Criminal justice responses to the smuggling of migrants and trafficking in persons, and links to transnational organized crime

28. The Meeting took note of national measures adopted to combat trafficking in persons, including the adoption of legislation criminalizing such trafficking, the consideration of options to criminalize the use of exploitative services, the adoption of national strategies against trafficking and their mainstreaming within national development plans, the establishment of inter-ministerial mechanisms for coordinating the fight against trafficking, the setting up of specialized databases and the adoption of measures to strengthen the capacity of the criminal justice system to detect, investigate and prosecute trafficking cases and to guarantee the protection and reintegration of victims.

29. The Meeting also took note of the work carried out in favour of victims and witnesses, in particular victims of trafficking in persons, and was provided with information regarding the guidelines on victims and witness protection prepared in Santiago in July 2008 in cooperation with UNODC.

30. The Meeting recommended the exchange of experiences within the region and with other regions on successful practices to address traditional practices involving, in certain communities and in some cases, the sale of women and girls.

31. It was noted that States of the region were involved with issues of migration in different ways, including as countries of origin, countries of transit and countries of destination, as well as countries to which migrants were repatriated. With regard to combating the smuggling of migrants, the Meeting recommended that the issue of migration be placed not only on the security agenda but also and above all on the development agenda.

5. International cooperation to address money-laundering based on relevant United Nations and other instruments

32. The Meeting stressed that the fight against organized crime and against crime in general, including urban crime, needed to strongly target the proceeds of crime and deprive criminal groups of their ill-gotten assets.

33. In that respect, national experiences with innovative and efficient approaches to forfeiture, such as the reversal of the burden of proof of the licit origin of assets, the criminalization of illicit enrichment and civil asset forfeiture, were brought to the attention of the Meeting. The Meeting recommended that the protection of whistle-blowers reporting sudden enrichment to investigators be ensured.

34. The Meeting underlined the important role played by financial intelligence units and the usefulness of their coordination within the Egmont Group of Financial Intelligence Units.

35. The Meeting emphasized that the effectiveness of measures to prevent and combat money-laundering under the Organized Crime Convention and under the United Nations Convention against Corruption⁵ depended on the sound administration of property seized or confiscated. The Meeting recommended the adoption of mechanisms for preserving the value of confiscated property, including through anticipated disposal of such property.

6. Recent developments in the use of science and technology by offenders and by competent authorities in fighting crime, including the case of cybercrime

36. The Meeting noted that the recent developments in science and technology represented both an opportunity for organized criminal groups to increase the efficiency and volume of their illicit activities and an opportunity for criminal justice systems to prevent and combat crime.

37. The Meeting noted in particular that the development of information technologies, such as the Internet, offered a powerful tool to raise awareness of crimes being committed and to denounce crime, in particular corruption, through anonymous whistle-blowing and that it created a new environment to fight crime in a more effective and efficient manner. The Meeting discussed the use of videoconferencing for the collection of evidence, as a useful tool for the criminal justice system. The Meeting however recommended that standards and safeguards

⁵ Ibid., vol. 2349, No. 42146.

be developed for the use of modern technologies within the criminal justice system in order to protect the human rights and privacy of citizens.

38. The Meeting acknowledged that cybercrime was on the rise, particularly child pornography, fraud and blackmail schemes, and that it represented a threat to State security. The Meeting recommended that the fight against cybercrime be based on information-sharing among States on existing best practices, strengthening controls on information technologies and establishing a network of information on relevant criminal activities.

39. The Meeting recognized the need for developing programmes to make children, young people and parents aware of the dangers linked to the use of the Internet and train them in safe use practices. In that connection, the Meeting noted the recent development by the International Telecommunication Union of a set of guidelines for child protection online.

40. The Meeting noted the comprehensive strategy to combat threats to cybersecurity adopted within the hemisphere and endorsed its threefold approach, namely the creation of a hemispheric network of national teams to respond to cybersecurity incidents, the adoption of technical norms to ensure a secure Internet architecture and the adoption of adequate legal instruments to protect Internet users.

41. The Meeting also noted the imperative need to develop an international convention on cybercrime.

42. The Meeting took note of the issues relating to economic fraud and identity-related crime and recommended support for international cooperation in preventing, investigating, prosecuting and punishing such offences.

7. Practical approaches to strengthening international cooperation in fighting crime-related problems

43. The Meeting underlined the need to put an end to the impunity of organized criminal groups through international cooperation. It noted that international cooperation was fundamental in addressing all the themes and issues on the agenda of the Twelfth Congress. In that respect, the Meeting called for the universal adoption of the international cooperation regime put in place by the Organized Crime Convention.

44. The Meeting took note of the fact that successful law enforcement in one country tends to displace trafficking in persons, drugs and arms, the smuggling of migrants and other forms of organized crime to other countries with a weaker criminal justice system. For that reason, it was essential that States adopted strong legislation against transnational organized crime on the basis of the Organized Crime Convention. The Meeting noted in that respect the legislative developments in a number of States of the region to the effect of abolishing their statute of limitations in relation to certain serious crimes, such as trafficking in persons and laundering of criminal proceeds.

45. The Meeting strongly recommended the strengthening of international cooperation mechanisms. Platforms for coordination, the exchange of information and intelligence and swift action in relation to requests for cooperation in criminal matters should be established among central and other competent authorities, as well as among law enforcement and judicial authorities. Mutual backing of arrest

warrants, as promoted for instance by the Caribbean Community Arrest Warrant Treaty within the Caribbean area, should be promoted within the whole region, in order to avoid delays and obstacles arising in the cumbersome extradition process.

46. Noting that United Nations crime and terrorism conventions as well as other international instruments request States to designate central authorities for mutual legal assistance, the Meeting recommended that those authorities act with speed and flexibility to ensure that legal cooperation was effective and efficient with a view to facilitating a prompt judicial response, seeking further to reduce internal procedures in order to achieve cooperation in real time. The functions and work of the Ibero-American Association of Public Prosecutors in promoting international cooperation in criminal matters within the region and with other regions was brought to the attention of the Meeting.

47. The Meeting noted the successful use of multilateral treaties, in particular the Organized Crime Convention, as a legal basis for extradition and mutual legal assistance when no bilateral or regional treaty basis was available. The Meeting strongly recommended the increased use by States of the provisions of the drug and crime conventions as a legal basis for granting extradition and mutual legal assistance, including assistance in the confiscation of criminal proceeds. The Meeting noted that there was a gap with regard to forms of serious crime that did not fall within the scope of those treaties. In some instances, no legal basis could be found for extradition or mutual legal assistance to certain States in relation to serious non-organized forms of crime, a gap which needed to be addressed by establishing a general United Nations convention on mutual legal assistance and extradition that would enable States to investigate and prosecute any criminal activity not already covered in the United Nations conventions against drugs, transnational organized crime and corruption.

48. The Meeting noted that evidence obtained abroad following mutual legal assistance requests often was not acceptable before the courts of the requesting State. That legal issue needed to be studied and modern judicial cooperation mechanisms needed to be developed to overcome that recurrent obstacle to successful prosecutions of serious crime.

49. The usefulness of videoconferencing as a means of facilitating international cooperation in criminal matters was highlighted by the Meeting. Presentation of evidence requested by foreign countries could for instance be done cost-effectively through video link. The Meeting took note of the situation where victims of crime, such as trafficked persons or smuggled migrants, had returned to their country of origin by the time the offenders were brought to justice. Usually the prosecution or sentencing of the perpetrators failed, owing to the lack of testimony by the victims. The use of videoconferencing or other modern technologies in such circumstances was recommended by the Meeting.

8. Crime prevention and criminal justice responses to violence against migrants, migrant workers and their families

50. The Meeting recommended that, while the smuggling of migrants needed to be criminalized, the migrants themselves should not be the target of criminal measures merely because of having been smuggled but instead should be treated humanely.

51. The Meeting took note of issues raised by specific situations of migration caused by social conflicts and natural disasters and also the situation of persons forced to leave their countries or displaced internally by armed conflict in their countries of origin. It highlighted the need for the United Nations and other technical assistance providers to support receiving countries in assisting those migrants.

C. Workshops

Workshop 1. International criminal justice education for the rule of law

52. The Meeting acknowledged the relevance of training and education on criminal justice issues and was informed of relevant initiatives undertaken by States at the national level, as well as of the numerous initiatives carried out by the Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD), at the regional and international levels, to develop training programmes and courses on criminal justice issues.

53. The Meeting recognized the need, in the region, to develop training programmes on comparative criminal procedures. The collection of empirical data for the purpose of measuring the effective protection of human rights within the criminal justice system was also identified as an element for inclusion in training programmes.

54. The Meeting recommended that criminal justice training to be developed at the regional level include a component related to existing regional and international legal instruments.

55. Recognizing that education was a powerful tool for the prevention of crime, the Meeting recommended that a programme of criminal justice education be developed for all citizens. Such a programme should be tailored to specific target groups, such as primary, secondary and university students, public officials and the media. The Meeting recognized that this kind of training, as well as its dissemination through public information campaigns, would ensure the understanding and support of civil society with regard to criminal justice reforms and policies.

Workshop 2. Survey of United Nations and other best practices in the treatment of prisoners in the criminal justice system

56. The Meeting noted that reform of the penitentiary system should be seen as an integral part of the overall reform of criminal justice, as correctional institutions were indeed a key component of the criminal justice system. The Meeting acknowledged the need for States to provide appropriate financial resources for correctional institutions within the national budget and ensure the sustainability of the allocation of such resources.

57. The Meeting noted constitutional changes and the development of new jurisprudence by supreme courts in the region and recognized the resulting positive impact on prison management and inmates' rights. The Meeting reaffirmed that prisoners should enjoy the same protection of human rights as other citizens, in particular the right to health care, religious support, religious freedom,

non-discrimination and the right to rehabilitation. The Meeting recognized that health, educational and social policies for inmates should be developed by the relevant ministries and not only by the penitentiary administration.

58. The Meeting took note of several initiatives carried out in countries of the region to improve their prison systems and acknowledged the potential of those initiatives to be used as best practices within and beyond the region. The initiatives included education and vocational programmes for inmates, possibilities to work against remuneration, access to complaint mechanisms such as an ombudsman, provision of health and psychological care to inmates, right to family visits, establishment of halfway houses and development of post-release programmes to facilitate social reintegration. The Meeting recognized the importance for civilian staff, properly trained and prepared, to be in charge of prison management, as well as for civil society to be informed of prison reform initiatives, so as to ensure public support for such initiatives.

59. Frequent inspections of correctional institutions, including international inspections carried out in accordance with national law, were recognized by the Meeting as a good practice in promoting treatment of prisoners in line with appropriate standards. In that regard, the Meeting noted the work carried out by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in assessing risk situations for torture and inspecting not only correctional institutions but also police stations, immigration centres and psychiatric hospitals, and recognized the need to implement mechanisms for monitoring places of detention.

60. When discussing the use of videoconferencing for taking testimonies from prisoners, thereby avoiding their transfer to courts and related security risks, the Meeting recommended that that technique be used in such a way as to safeguard the fundamental rights of persons deprived of liberty and ensure due process in judicial proceedings. The Meeting noted that videoconferencing should be used as a tool that complemented the good practice of ensuring that personal contact was maintained by the judge and other judicial officials with the detained person within the setting of the correctional institution.

61. Recognizing that women inmates had specific needs not usually addressed by the prison setting, the Meeting recommended that States develop specific measures and programmes to address the needs of women and girl prisoners. In that connection, the Meeting noted and expressed full support for the initiative of Thailand entitled "Enhancing Lives of Female Inmates", initiated by Princess Bajrakitiyabha of Thailand with a view to addressing the specific needs of women in prisons. It welcomed the request by the Commission on Crime Prevention and Criminal Justice, in its resolution 18/1, that the Executive Director of UNODC convene an open-ended intergovernmental expert group meeting to develop, consistent with the Standard Minimum Rules for the Treatment of Prisoners⁶ and the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) (General Assembly resolution 45/110, annex), supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings.

⁶ *Human Rights: A Compilation of International Instruments*, Volume I (First Part): *Universal Instruments* (United Nations publication, Sales No. E.02.XIV.4 (Vol. I, Part 1)), sect. J, No. 34.

62. The Meeting recommended that States develop programmes and take measures to address the specific needs of certain categories of prisoners, such as prisoners with mental and other disabilities, older prisoners and members of ethnic and racial minorities.

63. The Meeting also recommended that the needs of prison staff, who often are working and living in difficult conditions, be equally addressed.

64. The Meeting recognized the problem of the so-called “self-governing” correctional institutions, i.e. correctional institutions run by inmates where State officials do not exercise authority and control, and recommended that States not abdicate their power and jurisdiction with the excuse of lack of resources. The Meeting also recognized the need to address the problems faced by inmates in transitional countries and countries in armed conflict or other situations of violence, and in that regard reference was made to the Chicago Principles on Post-Conflict Justice, which provide an important reference tool.

65. Recognizing the importance of United Nations and other international standards and instruments on the treatment of prisoners, including the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol),⁷ the Meeting recommended that the United Nations provide sustainable technical assistance to build States’ capacity in the area of prison reform and prison management, and that, on the basis of the minimum rules of the United Nations relating to deprivation of liberty and other international instruments, an instrument be drawn up that would adapt those rules to reflect the current situation and the specific characteristics of the region. In that regard, the observer for ILANUD informed the Meeting of the work carried out by the permanent Committee on the revision, updating and enforcement of the United Nations Standard Minimum Rules for the Treatment of Prisoners in Latin America and the West Indies, which had been established as part of the activities of the International Penal and Penitentiary Foundation. A draft document would be ready for the Twelfth Congress. The Meeting took note of that information with satisfaction.

Workshop 3. Practical approaches to preventing urban crime

66. The Meeting noted that the often exclusive link established between crime prevention and law enforcement activities was limited and inadequate, as the prevention of crime, including urban crime, should be based on a participatory and multidisciplinary approach involving not only criminal justice agencies but also health, social and welfare entities. Exclusive reliance on law enforcement agencies for the development and implementation of crime prevention policies did not bring the expected impact on crime reduction. It was also recognized that an overreliance on “crime mapping” could be counterproductive as such mapping was not always based on scientific methodologies and could result in the gathering of misleading and unreliable data.

67. The Meeting recommended the active involvement of citizens and local communities in the design and implementation of policies, strategies and action plans to prevent urban crime.

⁷ United Nations publication, Sales No. E.04.XIV.3.

68. Recognizing that women were continuously exposed to violence, including homicide, the Meeting recommended that the workshop address the issue of violence against women as a specific aspect of urban crime.

Workshop 4. International coordinated response to links between drug trafficking and other forms of organized crime

69. The Meeting recognized that an effective response to transnational organized crime, including drug trafficking, must be based on the establishment of an adequate legislative framework, the setting up of capacity-building programmes and the strengthening of regional and subregional cooperation based on shared responsibility, inter alia through bilateral agreements, the recovery or sharing of assets, exchange of information, technology transfer and training. The Meeting underlined that the work of international organizations in that area needed increased coordination.

70. The Meeting highlighted the crucial role of regional cooperation in addressing the security threats confronting the region, such as trafficking in persons, drugs and firearms; corruption; money-laundering; and other forms of organized crime.

71. The Meeting recommended the use of the joint investigation mechanism provided for under the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988⁸ and the Organized Crime Convention and encouraged States to adopt enabling legislation and conclude agreements and arrangements in order to ensure full use of that cooperation mechanism in the fight against transnational organized crime.

Workshop 5. Strategies and best practices against overcrowding in correctional facilities

72. The Meeting recognized that overcrowding in correctional institutions was an acute and widespread problem in the region, which should be addressed in a comprehensive manner and with a long-time perspective. The Meeting noted that prison overcrowding was linked to criminal justice policies that heavily relied on incarceration and sentences with long incarceration periods. The Meeting also noted that such policies aggravated the financial burden of prison management on States, while reducing the availability of resources for health, educational and vocational programmes and for rehabilitation and reintegration programmes, thereby creating a vicious circle of further increases in the prison population.

73. The Meeting discussed and identified a series of possible measures to address overcrowding in correctional institutions. It was recommended that States develop comprehensive strategies and policies to reduce overcrowding in correctional institutions by involving all relevant criminal justice agencies as well as social welfare and health services in the community to ensure that strategies were sustainable, enable the social reintegration of prisoners and contribute to the prevention of recidivism.

74. The Meeting took note of the suggestion that States determine the number of places available in correctional institutions and that measures be taken within the criminal justice system in order to remain within those predetermined limits.

⁸ United Nations, *Treaty Series*, vol. 1582, No. 27627.

75. The Meeting referred to various options for reducing the size of prison populations, including the use of alternatives to imprisonment in accordance with national legislation; non-custodial measures; shorter prison sentences; early release; conditional release; release subject to surveillance; house arrest; the use of electronic surveillance equipment; pardon; amnesty; the reduction of sentences in exchange for good behaviour or undertaking of educational programmes; and the design of alternative measures for specific groups, such as pregnant women, mothers of young children, elderly people and prisoners with disabilities. The Meeting recommended the consideration of measures to decriminalize non-violent petty offences and to strengthen access to justice and public defence mechanisms as well as the use of restorative justice processes in criminal proceedings.

76. The Meeting took note of national initiatives for the creation of new courts, particularly in rural areas, so as to reduce the backlog of cases in courts and the number of pretrial detainees. It also noted the building of temporary detention centres to free space and resources in police stations.

77. The Meeting recommended that States develop appropriate national policies to reduce the use of pretrial detention, which might infringe on the principle of the presumption of innocence, and that the time elapsing between the commencement of proceedings and their conclusion with a final judgement be reduced.

78. The Meeting took note of a specific proposal to undertake research, under the coordination and supervision of ILANUD, with a view to a comparative study of the effectiveness of national laws and regulations concerned with the prevention of overcrowding in correctional institutions and relating to the following topics: punishment systems; alternatives to deprivation of liberty; rewards for good behaviour; restorative justice procedures; and applications for pardon. It was also proposed that the study cover the establishment of a follow-up mechanism for verifying whether types of conduct no longer subject to penalties or classified as offences had decreased or were no longer in evidence, in order to verify the effectiveness of the measures taken and whether cases of recidivism were no longer being reported.

III. Attendance and organization of work

A. Date and venue of the Meeting

79. The Latin American and Caribbean Regional Preparatory Meeting for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice was held in San José from 25 to 27 May 2009.

B. Attendance

80. The following member States of the Economic Commission for Latin America and the Caribbean were represented at the Meeting: Argentina, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Paraguay, Peru, Trinidad and Tobago and Uruguay.

81. Thailand was represented by an observer at the Meeting.
82. The following United Nations entities were represented by observers: UNODC, United Nations Children's Fund (UNICEF) and United Nations Human Settlements Programme (UN-Habitat).
83. The following institutes of the United Nations Crime Prevention and Criminal Justice Programme network were represented by observers: United Nations Interregional Crime and Justice Research Institute, Latin American Institute for the Prevention of Crime and the Treatment of Offenders, International Centre for Criminal Law Reform and Criminal Justice Policy and International Scientific and Professional Advisory Council.
84. The following intergovernmental organizations were represented by observers: Conference of Ministers of Justice of the Ibero-American Countries, Ibero-American Association of Public Prosecutors (AIAMP) and the International Criminal Police Organization (INTERPOL).
85. The following non-governmental organizations in consultative status with the Economic and Social Council were represented by observers: International Centre for Missing and Exploited Children, International Commission of Catholic Prison Pastoral Care and International Corrections and Prisons Association for the Advancement of Professional Corrections.
86. A list of participants is contained in annex II.

C. Opening of the Meeting

87. The Latin American and Caribbean Regional Preparatory Meeting for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice was opened on 25 May 2009 by a representative of UNODC, on behalf of the Secretary-General. She recalled the mandates and functions of the United Nations congresses on crime prevention and criminal justice as forums for the exchange of views and experiences between States, intergovernmental and non-governmental organizations and individual experts and the identification of emerging trends and issues in crime prevention and criminal justice. Recalling the main theme decided by the General Assembly for the Twelfth Congress, "Comprehensive strategies for global challenges: crime prevention and criminal justice systems and their development in a changing world", she invited participants to refer during the discussion to the discussion guide prepared by the Secretariat for the regional preparatory meetings and the Congress (A/CONF.213/PM.1).
88. The observer for ILANUD recalled that this was the seventh time that Costa Rica had hosted the Latin American and Caribbean Regional Preparatory Meeting for a crime congress and that the Twelfth Congress, to be held in Brazil, would be the third one organized in Latin America. He observed that the situation of crime prevention and criminal justice had worsened since the 1980s in direct relationship with the increasing disparity of income and wealth distribution caused by prevailing economic policies. There was a need to develop global policies and strengthen cooperation, both among countries and within the framework of the United Nations system, to face those challenges. He expressed regret that in recent years the multilateralism of the United Nations had been weakened, but noted that States,

ranging from the more to the less powerful, were coming to recognize the need of finding solutions and answers at the level of the United Nations. In concluding, he expressed the hope that the recommendations of the Meeting would bring a positive and constructive contribution to the success of the Twelfth Congress.

89. The Meeting heard a statement by the Vice-President of the Supreme Court of the host country, in which he expressed his confidence that the Meeting, attended by experts and practitioners of high professional expertise, would make a meaningful contribution to the success of the Twelfth Congress.

90. In his introductory remarks, the Chairman recognized that unequal distribution of wealth within countries and between countries had an impact on crime levels. He stressed the need for the international community to adopt a comprehensive crime prevention strategy that took into consideration key factors such as health, education and poverty eradication as well as the inequality and differences in distribution of wealth.

91. Referring to the broad agenda of the Meeting, the Chairman proposed to group the substantive items into clusters in order to make the best use of the limited time available to the Meeting. The discussion was thus organized as follows:

(a) Substantive item 1 (“Children, youth and crime”) was discussed together with substantive item 3 (“Making the United Nations guidelines on crime prevention work”);

(b) Substantive item 2 (“Provision of technical assistance to facilitate the ratification and implementation of the international instruments related to the prevention and suppression of terrorism”) was discussed together with substantive item 5 (“International cooperation to address money-laundering based on relevant United Nations and other instruments”) and substantive item 7 (“Practical approaches to strengthening international cooperation in fighting crime-related problems”);

(c) Substantive item 6 (“Recent developments in the use of science and technology by offenders and by competent authorities in fighting crime, including the case of cybercrime”);

(d) Substantive item 4 (“Criminal justice responses to the smuggling of migrants and trafficking in persons, and links to transnational organized crime”) was discussed together with substantive item 8 (“Crime prevention and criminal justice responses to violence against migrants, migrant workers and their families”).

92. At that meeting, it had also been proposed to address simultaneously the discussion on workshop 2 (“Survey of United Nations and other best practices in the treatment of prisoners in the criminal justice system”) and workshop 5 (“Strategies and best practices against overcrowding in correctional facilities”).

D. Election of officers

93. At its 1st meeting, on 25 May 2009, the Meeting elected, by acclamation, the following officers:

<i>Chairman:</i>	Fernando Ferraro (Costa Rica)
<i>Vice-Chairpersons:</i>	Romeu Tuma Júnior (Brazil) Antonio Belarminio Picel (Dominican Republic) María Carmen Oñate (Mexico)
<i>Rapporteur:</i>	Alejandro Marambio (Argentina)

E. Adoption of the agenda and organization of work

94. Also at its 1st meeting, the Meeting adopted its provisional agenda (A/CONF.213/RPM.1/L.1), which read as follows:

1. Opening of the Meeting.
2. Election of officers.
3. Adoption of the agenda and other organizational matters.
4. Substantive items on the agenda of the Twelfth Congress:
 - (a) Children, youth and crime;
 - (b) Provision of technical assistance to facilitate the ratification and implementation of the international instruments related to the prevention and suppression of terrorism;
 - (c) Making the United Nations guidelines on crime prevention work;
 - (d) Criminal justice responses to the smuggling of migrants and trafficking in persons, and links to transnational organized crime;
 - (e) International cooperation to address money-laundering based on relevant United Nations and other instruments;
 - (f) Recent developments in the use of science and technology by offenders and by competent authorities in fighting crime, including the case of cybercrime;
 - (g) Practical approaches to strengthening international cooperation in fighting crime-related problems;
 - (h) Crime prevention and criminal justice responses to violence against migrants, migrant workers and their families.
5. Topics to be considered by workshops within the framework of the Twelfth Congress:
 - (a) International criminal justice education for the rule of law;
 - (b) Survey of United Nations and other best practices in the treatment of prisoners in the criminal justice system;
 - (c) Practical approaches to preventing urban crime;

- (d) International coordinated response to links between drug trafficking and other forms of organized crime;
 - (e) Strategies and best practices against overcrowding in correctional facilities.
- 6. Recommendations for the draft declaration of the Twelfth Congress.
 - 7. Adoption of the report of the Meeting.
95. At the same meeting, the Meeting approved its organization of work. The list of documents before the Meeting is contained in annex III.

IV. Proceedings of the Meeting

96. Statements were made by the representatives of Argentina, Brazil, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Paraguay, Peru and Trinidad and Tobago.
97. A statement was made by the observer for Thailand.
98. A statement was made by the observer for the Conference of Ministers of Justice of the Ibero-American Countries.
99. Statements were also made by the observers for the following institutes of the United Nations Crime Prevention and Criminal Justice Programme network: United Nations Interregional Crime and Justice Research Institute, Latin American Institute for the Prevention of Crime and the Treatment of Offenders, International Centre for Criminal Law Reform and Criminal Justice Policy and International Scientific and Professional Advisory Council.
100. Statements were also made by the observers for the following non-governmental organizations: International Centre for Missing and Exploited Children, International Commission of Catholic Prison Pastoral Care and International Corrections and Prisons Association for the Advancement of Professional Corrections.

V. Adoption of the report and closure of the Meeting

101. At its 6th meeting, on 27 May 2009, the Meeting considered and adopted a declaration prepared by the heads of delegations present at the Meeting. (For the text of the declaration, see chapter II, section A.)
102. Also at its 6th meeting, the Meeting considered and adopted its report (A/CONF.213/RPM.1/L.2 and Add.1), as orally amended.

Annex I

Elements proposed by Brazil as host country of the Twelfth Congress for inclusion in the declaration to be adopted by the Twelfth Congress

1. We recognize that the participation of citizens, schools, communities, non-governmental organizations and the private sector, and also of other components of civil society, contributes to the effectiveness of national policies in the fields of crime prevention and criminal justice. We consider it essential that crime prevention policies and programmes be based on a participatory and multidisciplinary approach, so as to strengthen community ties and the exercise of citizenship.
2. We encourage Member States, in the formulation of public policy relating to children and young people, especially those in situations of risk, to give high priority to crime prevention activities, through training and social inclusion programmes.
3. We are convinced that the effectiveness of crime prevention programmes and policies depends on their ability to strike at the socio-economic roots of crime and on guaranteed sources of finance sufficient to ensure their sustainability. We urge Member States and the international organizations to continue with technical assistance programmes designed to enable developing countries to implement programmes and policies based on the crime prevention guidelines of the United Nations.
4. We urge Member States to establish mechanisms for cooperation and coordination among national criminal justice institutions, the press, non-governmental organizations, religious institutions and other components of civil society in the formulation and implementation of national crime prevention and criminal justice programmes and policies.
5. We note that effective social reintegration of persons who are released from prison after serving a custodial sentence depends in large measure on sustainable educational, sports and vocational training projects. We recommend moreover that Member States adopt measures providing for the commuting of prison sentences in order that offenders may, inter alia, work, study and engage in professional sports, as a way of reducing the prison population and achieving their effective social reintegration.
6. We recognize that programmes and policies for improving prison conditions must include investment in basic training, advanced training and professional advancement of prison staff.
7. We recognize that alternative measures and penalties should be promoted as effective mechanisms for reducing prison overcrowding and encourage Member States to adopt mechanisms for controlling and monitoring compliance with those measures with a view to assessing the results of their application, and to verify whether the incidence of offences that lead to imprisonment is indeed decreasing, while always ensuring that crimes are punished. We call upon Member States to prioritize the adoption of alternative measures to imprisonment.

8. We are aware of the serious socio-economic consequences of illicit drug trafficking and underscore that this form of crime cannot be combated effectively without harm reduction strategies, such as making public health care more accessible to drug-dependent persons.
9. We encourage Member States to recognize the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption as a legal basis for mutual legal assistance, extradition and international judicial cooperation for the purposes of confiscation, and also affirm the need for comprehensive studies on the implementation of those Conventions.
10. We urge Member States to give effect to article 57, paragraph 3, of the United Nations Convention against Corruption so as to enable the return of assets derived from acts of corruption prior to a final judgement in the requesting State.
11. We recall that the effectiveness of the measures for preventing and combating money-laundering provided for in the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption depends on the proper administration of frozen and seized assets, and urge Member States to adopt mechanisms for the early disposal of frozen assets and other measures for preserving the value of such assets.
12. We recognize, with regard to trafficking in persons, the need to give impetus to the planning, implementation and monitoring of public policies aimed at the victims of this type of crime, providing them with social and psychological assistance and thus minimizing stigmatization or marginalization.
13. We propose a process of dialogue concerning minimum rules for the treatment of prisoners in three distinct stages:
 - (a) Updating of the existing minimum rules;
 - (b) Creation of new rules that are currently lacking, such as rules concerning the treatment of women in the prison system, especially those with nursing or newborn infants, training of officials or the treatment of prisoners with special needs;
 - (c) Integration of the rules to form a unified whole.

Annex II

List of participants

Member States of the Economic Commission for Latin America and the Caribbean

Argentina	Alejandro Marambio Gustavo Arambarri
Bolivia (Plurinational State of)	Yovanka Oviden
Brazil	Romeu Tuma Júnior Renato Porciúncula Arnaldo Silveira Sonja Valle Márcio Rebouças Tatiana Barbosa
Chile	Miguel Coll
Colombia	Sigifredo Espinoza Evert Hamburger Hernando Hincapié Martha Tirado
Costa Rica	Fernando Ferraro Ana Durán Francisco Dall'anese Marta Muñoz Liliana Rivera Andrea Murillo Randolph Coto Carlos Cordero Lilian Rodríguez
Cuba	Antonio Ybarra José Escandón
Dominican Republic	Antonio Picel Hotoniel Bonilla

	Ramón Rodríguez
	Cesar Concepción
	Juan Cedano
	Luís Kalaff
Ecuador	Johana Pesántez
	Elsa Rodríguez
El Salvador	Miguel Trejo
	Dania Tolentino
	Milton Colindrez
	Fernando Duch
Guatemala	Claudia Herrera
Honduras	Víctor Meza
	Julián Oyuela
	Mario Morazán
	Sixto Aguilar
Mexico	María Oñate
	Francisca Méndez
	Juan Rodríguez
	María Olivas
	Saúl Ronquillo
	Liliana López
	Joaquín González-Casanova
Paraguay	Federico Torres
Peru	Enrique Mendoza
	Walter Cotrina
	Moisés Tambini
	David Tejada
Trinidad and Tobago	Jennifer Marchand
	Candice Shade
Uruguay	Octavio Brugnini

States Members of the United Nations represented by observers

Thailand
Vitaya Suriyawong
Nuntarath Tepdolchai
Vongthep Arthakai
Valeerant Puntuworn

United Nations Secretariat

United Nations Office on Drugs and Crime

Institutes of the United Nations Crime Prevention and Criminal Justice Programme network

United Nations Interregional Crime and Justice Research, Latin American Institute for the Prevention of Crime and the Treatment of Offenders, International Centre for Criminal Law Reform and Criminal Justice Policy, International Scientific and Professional Advisory Council

Specialized agencies in the United Nations system

United Nations Children's Fund (UNICEF), United Nations Human Settlements Programme (UN-Habitat)

Intergovernmental organizations

Conference of Ministers of Justice of the Ibero-American Countries, Ibero-American Association of Public Prosecutors, International Criminal Police Organization (INTERPOL)

Non-governmental organizations in Consultative Status with the Economic and Social Council

International Centre for Missing and Exploited Children, International Commission of Catholic Prison Pastoral Care, International Corrections and Prisons Association for the Advancement of Professional Corrections

Annex III

List of documents

A/CONF.213/PM.1	Discussion guide
A/CONF.213/RPM.1/L.1	Provisional agenda and annotations
A/CONF.213/RPM.1/L.2 and Add.1	Draft report
